

FILED IN OPEN COURT
ON 1-15-2015
Julio A. Richards, Clerk
US District Court
Eastern District of NC
JJA

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:15-CR-2-1 (4)

UNITED STATES OF AMERICA)
)
 v.) I N D I C T M E N T
)
JOSEPH HOWARD WILLIAMS)

THE GRAND JURY CHARGES THAT:

COUNT ONE
(Lacey Act offense, in violation of
16 .S.C. §§ 3372(a)(1) and 3373(d)(1))

Between on or about February 1, 2010, and February 3, 2010, in the Eastern District of North Carolina and elsewhere, JOSEPH HOWARD WILLIAMS, defendant herein, did knowingly engage in conduct that involved the sale and purchase of, offer of sale and purchase of, and the intent to sell and purchase, fish with a market value in excess of \$350.00, by knowingly transporting and selling such fish which were taken and possessed in violation of any law and regulation of the United States, that is, between on or about February 1, 2010, and February 3, 2010, JOSEPH HOWARD WILLIAMS, then Captain of the Joann B, harvested approximately 3,790 pounds of Atlantic Striped Bass from the Exclusive Economic Zone (EEZ), which he sold to Fish Dealer A, located in Engelhard, North Carolina, all in violation of Title

16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B); and Title 50, Code of Federal Regulations, Parts 697.7(b)(1), (2), (3) and (4).

COUNT TWO
(Lacey Act offense, in violation of
16 .S.C. §§ 3372(a)(1) and 3373(d)(1))

Between on or about February 8, 2010, and February 9, 2010, in the Eastern District of North Carolina and elsewhere, JOSEPH HOWARD WILLIAMS, defendant herein, did knowingly engage in conduct that involved the sale and purchase of, offer of sale and purchase of, and the intent to sell and purchase, fish with a market value in excess of \$350.00, by knowingly transporting and selling such fish which were taken and possessed in violation of any law and regulation of the United States, that is, between on or about February 8, 2010, and February 9, 2010, JOSEPH HOWARD WILLIAMS, then Captain of the Joann B, harvested approximately 2229 pounds of Atlantic Striped Bass from the EEZ, which he sold to Fish Dealer A, located in Engelhard, North Carolina, all in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B); and Title 50, Code of Federal Regulations, Parts 697.7(b)(1), (2), (3) and (4).

COUNT THREE

(Material False Statements and aiding and abetting,
in violation of 18 U.S.C. §§ 1001 and 2)

Between on or about February 9, 2010, and March 24, 2010, in the Eastern District of North Carolina and elsewhere, JOSEPH HOWARD WILLIAMS, defendant herein, in a matter within the jurisdiction of the National Oceanic and Atmospheric Administration (NOAA), an agency within the United States Department of the Commerce, a department within the executive branch of the government of the United States, did knowingly and willfully make materially false, fictitious, and fraudulent statements and representations in connection with a fishing vessel trip report, that is, JOSEPH HOWARD WILLIAMS did submit and caused to be submitted to NOAA a fishing vessel trip report which declared a fishing location for Atlantic Striped Bass within state waters, when, in fact, he knew that he had harvested the Atlantic Striped Bass in the EEZ, and did aid and abet other persons in doing so, all in violation of Title 18, United States Code, Sections 1001 and 2.

COUNT FOUR
(Lacey Act offense, in violation of
16 U.S.C. §§ 3372(a)(1) and 3373(d)(1))

Between on or about December 15, 2010, and December 18, 2010, in the Eastern District of North Carolina and elsewhere, JOSEPH HOWARD WILLIAMS, defendant herein, did knowingly engage in conduct that involved the sale and purchase of, offer of sale and purchase of, and the intent to sell and purchase, fish with a market value in excess of \$350.00, by knowingly transporting and selling such fish which were taken and possessed in violation of any law and regulation of the United States, that is, between on or about December 15, 2010, and December 18, 2010, JOSEPH HOWARD WILLIAMS, then Captain of the Joann B, harvested approximately 2,616 pounds of Atlantic Striped Bass from the EEZ, which he sold to Fish Dealer A, located in Engelhard, North Carolina, all in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B); and Title 50, Code of Federal Regulations, Parts 697.7(b)(1), (2), (3) and (4).

FORFEITURE NOTICE AND FINDING OF PROBABLE CAUSE

With respect to Counts 1, 2, and 4, the defendant is given notice of the provisions of 16 U.S.C. § 3374, as made applicable by Title 28, United States Code, Section 2461, that all of his interest in all property specified herein is subject to forfeiture.

As a result of the foregoing offenses as alleged in Counts 1, 2, and 4 of this Indictment, the defendant shall forfeit to the United States any and all fish transported, sold, received, acquired, or purchased contrary to 16 U.S.C. § 3372 or any regulation issued pursuant thereto, as well as any vessel, or other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish in such offenses.

The forfeitable property includes, but is not limited to:

(1) personal property including:

- a. The vessel "JOANN B," a commercial stern trawler, USCG documentation number 508901, NOAA permit number 320166, owned by Jo Ann B, Inc., 16 Seventh Street, Brunswick, GA, 31520;
- b. All gear, electronics, and other harvesting and sorting equipment on each of the foregoing vessels; and
- c. All fish harvested illegally, specifically pounds of fish as described in Counts 1, 2, and 4.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant,

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(SPACE LEFT BLANK INTENTIONALLY)

The Grand Jury finds probable cause to believe that the property described herein and for the reasons stated herein is subject to forfeiture in accordance with 16 U.S.C. § 3374.

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOR PERSON

DATE

January 14, 2015

THOMAS G. WALKER
United States Attorney

Attest for Banumathi Rangarajan
By: BANUMATHI RANGARAJAN
Assistant United States Attorney
Criminal Division

JOHN C. CRUDEN
Assistant Attorney General
Environment & Natural Resources Division
Department of Justice

Attest for Lauren Steele
By: LAUREN D. STEELE
Trial Attorney
Environmental Crimes Section

Attest
By: SHENNIE PATEL
Trial Attorney
Environmental Crimes Section